

RESOLUTION NUMBER R- 314647

DATE OF FINAL PASSAGE MAR 13 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING PAYMENTS UNDER THE SETTLEMENT AGREEMENT WITH THE REGIONAL WATER QUALITY CONTROL BOARD REGARDING THE SANITARY SEWER OVERFLOW INTO THE SWEETWATER RIVER AND RELATED ACTIONS.

WHEREAS, on July 31, 2020, the San Diego Regional Water Quality Control Board (Board) issued Notice of Violation No. R9-2020-0204 to the City of San Diego (City) for a large sewage spill that occurred on April 10-11, 2020, approximately one-quarter mile upstream of the mouth of the Sweetwater River; and

WHEREAS, in Closed Session on February 6, 2023, the City Council authorized full settlement with the Regional Board for an amount consistent with the amounts set forth below and under the terms more fully set forth in the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2023-0017 and the Stipulation for Entry of Cease and Desist Order No. R9-2023-0016 (collectively, Settlement Agreement); and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Mayor or his designee is authorized to pay the total sum of \$4,609,724 from the Metropolitan Sewer Fund 700001, in settlement of the Board's Notice of Violation No. R9-2020-0204, under the terms of the Settlement Agreement, if the Settlement Agreement is approved by the Board.

2. The Chief Financial Officer is authorized to appropriate and expend the total amount of \$4,609,724 from Metropolitan Sewer Fund 700001, to make the payments required under the Settlement Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By Melissa D. Ables
Melissa D. Ables
Chief Deputy City Attorney

MDA:cw
February 22, 2023
Or.Dept: Public Utilities Department
CC No.: 3000015545
Doc. No. 3230380

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 07 2023

DIANA J.S. FUENTES
City Clerk

By [Signature]
Deputy City Clerk

Approved: 3/13/23
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000015545
DEPT. NO. 2000

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001									
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$4,609,724.00

Vendor: San Diego Regional Water Quality Control Board

Purpose: To authorize the expenditure of funds, not to exceed \$4,609,724, for the Settlement of April 2020 Sweetwater River Sanitary Sewer Overflow. Regional Water Quality Control Board Notice of Violation No. R9-2020-0204.

Date: February 24, 2023

By: Elizabeth Warnock *Elizabeth Warnock*
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	700001	Non-Program	n/a	OTHR-00000000-SU	512182	2000	2000191211	N/A	\$4,609,724.00
TOTAL AMOUNT									\$4,609,724.00

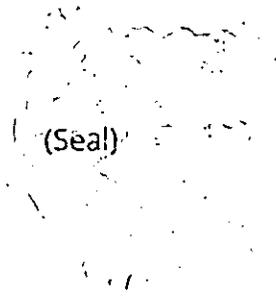
Passed by the Council of The City of San Diego on MAR 07 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 13 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

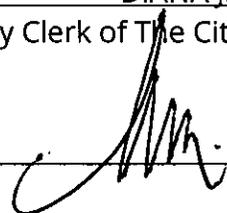
AUTHENTICATED BY:



(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314647